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# The Times



# Dispatch

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WHOLE NUMBER 16,740.

RICMOND, VA., SATURDAY, JANUARY 14, 1905.

PRICE TWO CENTS.

## HAS NEEDED POWER UNDER LAW NOW

President Spencer Thinks  
Ample Authority Is Vest-  
ed in Commission.

## FIXING OF RATES WOULD PROVE EVIL

The Lessening of Appeals and  
the Extension of Commis-  
sion's Jurisdiction to Water,  
Fast Freight and Private  
Car Lines Only Leg-  
islation Needed.

(From Our Regular Correspondent.)

WASHINGTON, D. C., Jan. 13.—Al-  
though Mr. Samuel Spencer, president of  
the Southern Railway Company, was not  
chosen by the railway men of the coun-  
try to present to Congress their views  
concerning the question of empowering  
some official body of the government to  
regulate railway charges, a prominent  
official of an eastern road, said to-night,  
that the statement which Mr. Spencer  
began before the Committee on Interstate  
Commerce yesterday and concluded to-day,  
fairly represented the attitude of the  
railroads.

Mr. Spencer's position, when summed  
up, amounts to a declaration that mat-  
ters should be left in statu quo; that the  
Interstate Commission has all the power  
needed to properly supervise railway  
traffic, and that he is perfectly willing  
that it shall continue to exercise that  
power. He is willing that the commis-  
sion should have supervision of granting  
of rebates, terminal charges and pri-  
vate car lines. He says it has the  
power of supervision in all three cases  
at present.

Mr. Cassatt, president of the Pennsylv-  
ania, has said he is willing to have  
Congress enact railway rate legislation,  
and it is believed he favors extending  
the powers of the Interstate Commerce  
Commission as to the authority to  
fix rates. He is understood to differ  
radically from Mr. Spencer.

## No Adverse Votes Expected.

A leading senator told me to-night that  
while he expected there would be con-  
siderable debate in the Senate when the  
regulation matter came up in that  
body, he very much doubted whether  
there would be a single vote against the  
bill when the roll was called. He said  
further that he had been informed that  
there would hardly be a dissenting vote  
when the time to vote came in the House.  
Answering a question as to whether  
there would be any objection to a uniform  
classification of freight throughout the  
country, Mr. Spencer said there might  
be, although it would, without doubt,  
throw the rates of certain railroads out  
of line. If it was done violently and  
denied, it would result in a commercial  
upset.

Answering Representative Richardson,  
of Alabama, Mr. Spencer said:  
"Speaking unofficially, I might say,  
seventy-five per cent. of the railroads of  
the country, I assert that they could  
make a law forbidding rebates too dra-  
stic to suit us."

## Help Is Not Expected.

Reverting again to the result of re-  
classification of freight, which is con-  
stantly going on, Mr. Spencer said the  
result was uniformly a reduction and not  
an increase. He said, however, he said,  
did not expect an arm of the government  
to help them raise or maintain rates, but  
they ought to be left free to co-operate  
with each other in the way of making  
"reasonable agreements" among them-  
selves.

"If legislation is to take place in any  
form," he continued, "and we hope it  
will not be in this form, it should include  
something that will insure stability of  
rates, and that those who are charged  
with the duty of making the carrier  
high enough to make the carrier  
for service performed. The man does not  
live," asserted Mr. Spencer, "who can  
draft a law that will grant authority to  
any body of men that can be exercised  
effectively to abolish discrimination be-  
tween localities. It is impossible to do  
away with complaint of discrimination on  
the part of the localities."

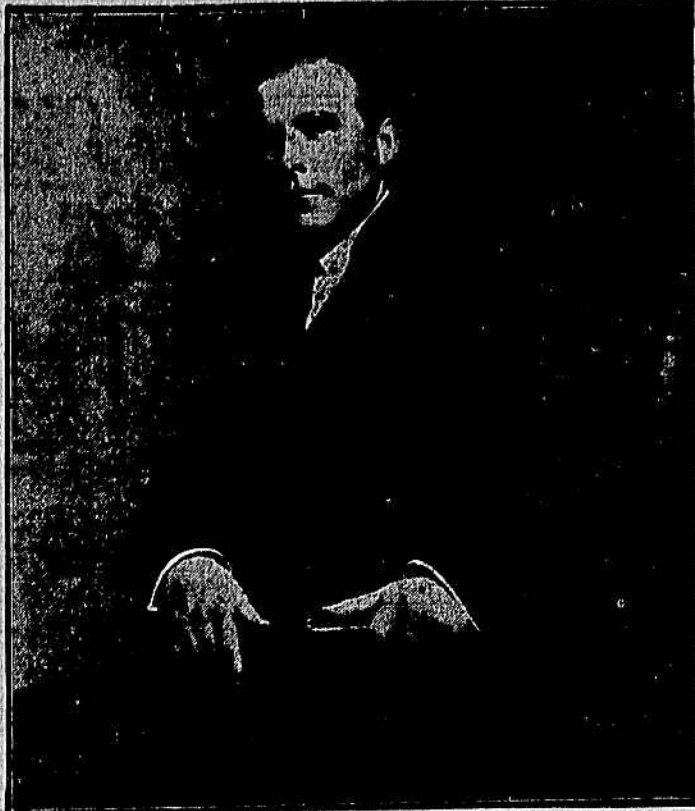
## Confers Anomalous Power.

The bill, he said, would be conferring  
anomalous powers upon one body. The  
commission was created to institute  
proceedings against carriers. Here it  
was proposed to invest the body with a  
judicial function—the power to condemn  
a rate as unreasonable. The next  
step contemplated was to give them the  
authority to name a new rate for the fu-  
ture—a function under the law and de-  
cisions of the courts, a legislative func-  
tion. This would make the commission  
first a prosecutive body, next a judicial  
body, and lastly a legislative body.

In concluding he suggested that in his  
opinion the only legislation necessary on  
the subject at the present time, if indeed  
any was necessary, was the extension of  
the jurisdiction of the commission to  
the circuit courts, except where points  
of law were involved, when cases should  
go to the Supreme Court; that the freight  
carrying lines by water, the fast freight  
lines and the private car lines all be  
brought under the jurisdiction of the  
commission, the same as the railroads  
now are; that the carriers should be re-  
lieved of the anomalous position of being  
required to maintain uniform rates and  
prohibited from making agreements as  
to what those rates should be.

## Confers With Secretary Morton.

WASHINGTON, D. C., Jan. 13.—Sec-  
retary Morton had a long conference this  
evening with James J. Spencer of the Great  
Northern and Samuel Spencer of the  
Southern Railway, on the subject of rail-  
way rate legislation, but beyond this  
nothing was obtainable to-night as to the  
nature of the conference.



REV. GEORGE W. MCDANIEL,  
Gifted Texas Pastor, Accepts Pastorate of the First Baptist Church.

## NO APPEAL YET FOR MAYOR M'CUE

No Present Intention of Call-  
ing on the Gov-  
ernor.

## RECOVERED HIS APPETITE

Prisoner, After Staying for  
Hours, Eats Heartily—Con-  
ference of His Counsel.

(Special to The Times-Dispatch.)

CHARLOTTESVILLE, VA., Jan. 13.—  
Former Mayor J. Samuel McCue from  
the time he learned that the Supreme  
Court had refused his application for a  
writ of error until noon to-day, refused  
all food, and it is said, spent a rather  
sleepless night. By noon to-day, how-  
ever, he had recovered his appetite, eat-  
ing a hearty dinner and a reasonably  
good supper. The reports of his prac-  
tical nervous collapse are not confirmed,  
and it can be said with certainty that  
he has shown a great deal of composure  
under all of the circumstances. He weeps  
occasionally, but not hysterically.

## Willing to Die.

He had a number of visitors to-day,  
among them the Rev. Dr. George L.  
Petrie, his pastor, who remained in the  
small steel cell which confines the pris-  
oner for half an hour this afternoon.  
The jailer being present throughout the  
interview. McCue wept a great deal. No-  
thing was said either by the visitor or  
doomed man touching upon his inno-  
cence or guilt, and the question of a  
final statement was not broached. "The  
whole tenor of the conversation was con-  
trolled by the prisoner's evident resig-  
nation to his fate. He said that he was  
prepared and willing to go."

Apparently confirming this view of his  
frame of mind was the statement made  
to-day by one in position to know what  
is being done, that there is no present  
intention of making any appeal to Gov-  
ernor Montague. However, the lawyers  
are still conferring, and it is under-  
stood that one of the local attorneys  
stood, this afternoon, to consult with  
Mr. Tinsley Coleman, one of  
McCue's counsel.

## A Conference Held.

Messrs. Walker and Sinclair, his local  
counsel, called at the jail to-day and  
held an extended conference with the  
condemned man, his brothers, Edward O.  
McCue and Dr. Frank G. McCue, who  
presented Mr. Daniel Harmon, whose  
health was in such critical condition that  
he had to retire from active participation  
in the defense, has now recovered,  
and is now being consulted.

Whatever the future may disclose, the  
outlook is that no further steps will  
be taken. It is now regarded as certain  
that the execution will take place on  
to-day week. Sergeant Rogers, by virtue  
of his office, will be in charge of the  
details and, it is said, will be assisted  
by Sheriff Watts, of Albemarle, and  
Blythe Wilson, of Augusta.

## PLAN MAPPED OUT BY LAWYERS TO SAVE M'CUE

(Special to The Times-Dispatch.)  
LYNCHBURG, VA., Jan. 13.—J. T.  
Coleman, of Lynchburg, and George  
Walker and Burnley Sinclair, of Char-  
lottesville, counsel for J. Samuel McCue,  
who is to be hanged for the murder of  
his wife in Charlottesville next Friday,  
were in conference here for some time  
this evening, and a course of procedure  
was mapped out by which it is hoped to  
save the condemned man. Mr. Coleman  
stated tonight that while he could not  
divulge the details, all that can be done  
will be attempted to-morrow.

It is believed, however, that an effort  
will be made in Richmond to-morrow to  
secure a respite and then bring influ-  
ence on Governor Montague to commute  
the sentence to life imprisonment.

## FIRST CHURCH WINS A PASTOR

Rev. George W. McDaniel In-  
forms Committee He  
Will Accept.

## A MAN OF GREAT ACTIVITY

Though Young Man, Has Been  
Prominent in Broad De-  
nominational Work.

(Special to The Times-Dispatch.)

Rev. George W. McDaniel, of Dallas,  
Texas, has just announced to the com-  
mittee of the First Baptist Church, of this  
city, his acceptance of their call to the  
pastorate, and he hopes to be in Rich-  
mond and enter upon his work at an  
early date.

He has already resigned his pastorate  
of the Washington Avenue Church, Dal-  
las, Texas. Mr. McDaniel has had a  
brilliant and successful career. He was  
born about thirty years ago in Grimes  
county, Texas, and is a full graduate of  
Baylor University, Dallas, Texas, and of  
the Southern Baptist Theological Semi-  
nary at Louisville, Ky.

Very early in his ministry, and before  
the completion of his theological educa-  
tion, he declined a call to the First Baptist  
Church at Fort Worth, in order to  
complete his studies. He was pastor at  
Temple, Texas, for two years, where he  
received into the church two hundred and  
fifty members. For the past two years  
and four months he has served as pastor  
of Washington Avenue Baptist Church,  
Dallas, Texas, in which time the mem-  
bership of that church has grown from  
two hundred and seventy-five to five hun-  
dred and seventy-five, an increase of  
three hundred members. Most of this  
increase was by conversion and bap-  
tism.

## An Active Career.

For one so young Mr. McDaniel has  
had a distinguished career in demon-  
strating his ability. He is a member of  
the board of trustees of the General Con-  
vention, a director of the Texas Baptist  
Memorial Sanitarium, recording secretary  
of the Education Commission, and vice-  
president for Foreign Missions in Texas.  
He has been a regular contributor to the  
Baptist Standard, has delivered special  
addresses, has spoken in behalf of pro-  
hibition, and has held evangelistic ser-  
vices.

(Continued on Second Page.)

## HUSBAND IS KILLED BY FIERCE MOROS

Terrible News Comes to the  
Young Wife of Lieu-  
tenant Jewel.

(Special to The Times-Dispatch.)  
ASHIEVILLE, N. C., Jan. 13.—The news-  
paper reports of the death of Lieutenant  
James J. Jewel, killed in action during  
the attack on a Moro fort in the Philip-  
pines, has almost prostrated his wife,  
who, with her three-weeks' old baby girl,  
is a resident of Baltimore.

Mrs. Jewel parted from her husband  
in the Philippines last spring, and came  
to Baltimore for the benefit of her health.  
Her husband was expected to join her  
here early the coming spring. About  
three weeks ago a daughter was born to  
Mrs. Jewel, and the sudden news of  
Lieutenant Jewel's tragic death, has  
been a most severe shock to her.

A telegram to the War Department at  
Washington brought a reply confirming  
the news that Lieutenant Jewel had met  
his death at the hands of the Moros.

## Many New Members.

A meeting of very special interest has  
been in progress during the past week at  
the Third Presbyterian Church, Twenty-  
sixth and Broad Streets. As a result of  
this meeting twenty or thirty members  
will be publicly received into the church  
at the morning service to-morrow. The  
night service will also be one of special  
interest.

## JAMES LINKOUS A DOOMED MAN

Found Guilty of Murder  
of His Wife and His  
Adopted Son.

## JURY OUT ONLY FIFTEEN MINUTES

Magnificent Speech Made in  
His Defense, But the Evi-  
dence Was Conclusive.

Sentence Will be  
Pronounced  
To-day.

(Special to The Times-Dispatch.)

RADFORD, VA., Jan. 13.—The jury in  
the case of James Linkous, charged with  
the murder of his wife and adopted son  
with some blunt instrument, and then  
setting fire to the house to hide his  
crime, found him guilty of murder in the  
first degree at the close of the second  
day's trial this afternoon. The prisoner  
sat with his face in his hands and never  
looked up when the verdict was rendered.  
The court immediately adjourned until 2  
o'clock to-morrow, when Judge Cassell  
will pronounce sentence on the accused.  
The jury was out only fifteen minutes.  
The testimony was very conclusive.

## Conclusive Evidence.

T. M. Brady testified that the fire bell  
rang five or six minutes after he awoke,  
and he saw fire near the ground, and  
could not get up in the room; he said  
any one could have let themselves out of  
the window, a person standing below  
could have reached their feet. Witness  
testified that Linkous asked him to try  
to save some food, and that there was  
no use to try to save the building. Later  
he told them that his wife and child were  
inside. Witness proposed that they try  
to rescue them; the prisoner said it was  
useless; they had suffocated, he said.

The charge to the jury closed as fol-  
lows:  
The court instructs the jury that if  
they believe from all the evidence be-  
yond all reasonable doubt that the de-  
fendant is guilty as charged, in the in-  
dictment, then it is their duty to convict  
him, although no motive has been dis-  
covered or proven.

## A Great Speech.

Robert L. Jordan opened for the pro-  
secution and spoke for an hour and a  
half. No one in the densely packed court-  
room, however, was conscious of the pas-  
sage of time. Mr. Jordan spoke in a  
low, tense voice, which told more plainly  
than words that a weight of sorrow  
rested on his heart. He did his duty,  
but it was a painful duty and victory  
would bring no thrill of exultation. Mr.  
Jordan told a story of deep human pas-  
sion, and he told it simply, strongly, ably.  
In short, with telling effect. His speech  
was eloquent, stirring, manly, generous  
and without a convincing, so powerful  
an argument against the accused, a plea  
for the defendant seemed utterly hope-  
less.

The prisoner's counsel, however, did his  
duty nobly by the friendless man who  
sat at his side. From the first he fought  
his client's case aggressively and earnest-  
ly, and he was handicapped by having no  
time for preparation, and a case in which  
almost every vestige of evidence was  
against him. For an hour and a quarter,  
Mr. Morton pleaded the cause of his  
client, and his speech received high  
praise.

Mr. Jordan made the closing speech for  
the defense, speaking in an hour, and it  
is safe to say that it was the finest and  
most powerful speech ever heard in this  
court.

## Closing Scene.

The scene was one to be long remem-  
bered. The prisoner, a pitiful looking  
figure, with eyes cast down, the eloquent  
voice of the man who towered above the  
throne and swayed them by his voice.  
A hideous crime had been done, and the  
demands of justice must be met. The  
prisoner's fate lay in the hands of the  
twelve good men and true in the jury  
box. For the time being, the prosecuting  
attorney was the voice of the community  
of the Commonwealth, asking that life  
The people stood sadly, but resolutely  
by. The voice spoke for them and their  
faith. The speech came to a close,  
and the jury after being out fifteen min-  
utes, returned a verdict of "murder in  
the first degree."

## COTTON GROWERS MEET AT NEW ORLEANS THE 24TH

(By Associated Press.)

MACON, GA., January 13.—A special to  
the telegraph from Monticello, Ga., says  
that President Harvie Burdette of the  
Southern Cotton Growers' Protective As-  
sociation, has announced the official pro-  
gramme of the Southern Interstate Cotton  
Convention, which will be held at  
New Orleans, January 24th-26th.

Railroad rates of one fare plus twenty-  
five cents, have been granted from all  
points in the South for delegates and  
visitors to their families.

President Jordan urges all delegates to  
reach New Orleans not later than 10  
o'clock Tuesday morning, January 24th,  
and to report at once to the Assembly  
Hall of the Progressive Union.

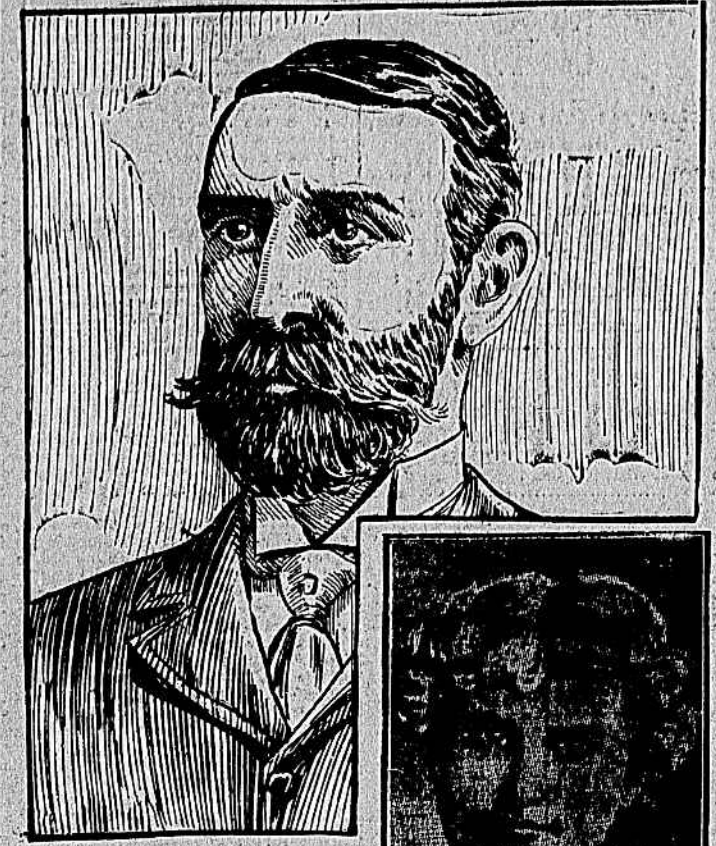
## 93 WANT HELP TO-DAY.

The 93 advertisements for help pub-  
lished in to-day's Times-Dispatch on  
page 6 are as follows:

4 Trades. 27 Domestic.  
32 Professional. Agents.  
14 Miscellaneous. 12 Salesmen.

This not only interests those out of  
work, but those desiring to improve  
their positions as well.

## "I AM GOING TO FIGHT THIS THING TO LAST." —BRODIE L. DUKE.



BRODIE L. DUKE AND HIS WIFE,  
MRS. ALICE WEBB DUKE.

## DUKE WILL FIGHT TO THE BITTER END

He So Declared When Leaving  
Court, Where His Case  
Had Been Up.

## THE HEARING IS DEFERRED

Mental Condition to be Inquired  
Into by Commission—Is Bit-  
ter Against His Sop.

(Special to The Times-Dispatch.)

NEW YORK, Jan. 13.—Brodie L. Duke,  
half brother of the president of the  
American Company, whose recent mar-  
riage resulted in his commitment to a  
sanitarium, was brought into the Su-  
preme Court in Brooklyn to-day on a  
writ of habeas corpus, and after a hear-  
ing was sent to the Long Island home  
until Thursday next. On that date a  
commission appointed by Justice Gaynor  
is to meet to inquire into Mr. Duke's  
condition and make a report as to  
whether he is insane.

The writ of habeas corpus on which  
Mr. Duke was brought into court to-  
day was obtained by W. C.  
Bramham, of Durham, who has  
acted as private secretary for Mr.  
Duke. Counsel for Mrs. Bramham  
argued for an immediate examination of  
Mr. Duke in court to determine whether  
or not he was insane. This was ob-  
jected to by Delancey Nicoll, who said  
he represented members of Mr. Duke's  
family, and who insisted that Mr. Duke's  
sanity should be determined by a com-  
mission appointed by Justice Gaynor.

Desired to Have Witnesses.  
Mr. Nicoll declared that he desired to  
secure witnesses for himself, and that  
the persons whom he represented "want-  
ed to rescue this man from the coils  
of one of the worst associations of crim-

(Continued on Second Page.)

## FRIENDLESS YOUNG MOTHER COMES HERE

Nannie Hodnette, From Near  
Burkeville, Says Parents  
Drove Her Away.

Nannie Hodnette, a young woman with  
an infant, is now at the City Almshouse,  
having been driven from home, she says,  
and is now alone in the world.

This young woman reached the city late  
yesterday, coming over the Southern road  
from Burkeville. She appealed to Police-  
man Zimmer for assistance, telling him  
that she was helpless. The kind officer  
took her to the First Police Station,  
where Sergeant Matthews questioned her.

He then communicated with Superintend-  
ent Davis, and asked him to take the  
unfortunate girl in, and look after her. She  
was taken to the Almshouse.

Superintendent Davis stated last night  
that the woman was nineteen years of  
age, and that her child was eight weeks  
old. The woman stated that her parents  
had sent her from home because she had  
disgraced them. She said she lived near  
Burkeville, Va.

She presented the appearance of a woman  
of fair circumstances, and was exceedingly  
cleanly, but was exceedingly care-  
worn. Both she and the child were cold  
and hungry when they arrived at the  
Almshouse, and after getting a good sup-  
per the mother retired. The young woman  
possessed much intelligence and re-  
sponded to questions asked her very rapidly.  
She is of medium height and has  
dark hair, and an attractive face.

She has no friends or relatives here, and  
Superintendent Davis will look after her  
comfort until some one comes to her aid.

## CONSEQUENCES ON THEIR HEADS

The University Athletic  
Committee Stands  
for Its Action.

## HAD TO CONSIDER NORFOLK ALUMNI

They Had Been Loyal as Well  
as Richmond Friends and Had  
Already Built Their Park.  
Many Overtures Made.  
Dr. Alderman Will  
Publish a Letter.

(From a Staff Correspondent.)

UNIVERSITY OF VIRGINIA, January  
13.—Dr. Alderman, president of the Uni-  
versity, was asked to-night to make a  
statement in regard to the charge in the  
"Thanksgiving game" from Richmond to  
Norfolk. Dr. Alderman is confined to  
his home and has not been able to con-  
fer with the Athletic Committee, and so  
declined to make such a statement at  
this time. After expressing his regret  
for the people of Richmond and his ac-  
cession for the Richmond alumni, he  
stated that he would write a letter for  
publication at no distant day.

There seems to be no doubt that fully  
seventy-five per cent. of the student body  
of the University of Virginia are in favor  
of Richmond for the "Thanksgiving  
game." This fact is denied by the  
Athletic Committee, who claim that their  
position in the matter has not been  
clearly explained to the students at large,  
and that when their reasons for giving  
the game to Norfolk are made known,  
adverse sentiment will disappear. How-  
ever, at this time there is heard nothing  
but regrets that Richmond is not to have  
the game.

Dr. Lambeth, who has practically  
charge of athletics, said: "I was heartily  
in favor of Richmond."

## Full Explanation.

A meeting of the Athletic Committee  
was held this afternoon at which all  
members were present except Joseph  
Shelton. The resolutions passed by the  
Richmond Alumni on Thursday were read  
and discussed, after which the Athletic  
Committee decided to make a formal  
statement of its position and to publish  
the statement in the Times-Dispatch.  
This is the statement:

"We must again remind the Richmond  
Alumni of the fact that our committee  
was not unmindful of the many obliga-  
tions we owe them, nor of the importance  
and gravity of the situation. Standing  
as we did between two conflicting parties,  
each insisting to some extent to acknowl-  
edge the rights of the other, no decision  
could be rendered without creating dis-  
appointment and bitterness. Yet a de-  
cision had to be arrived at, and our com-  
mittee accepts the responsibility. We  
may say further that we do not wish to  
shift the responsibility, there is not a  
member of the committee who would not  
gladly have surrendered his office to  
others more competent to deal with the  
situation. Prior to the meeting, the com-  
mittee had formed no definite opinion.  
They had heard the claims of the Rich-  
mond Alumni, and the inducements offered,  
and the inducements offered, endeavoring  
at all times to be just, they felt that  
they could not decide differently. And  
yet the Richmond Alumni, while conced-  
ing that the committee acted conscienti-  
ously according to their best judgment,  
cannot understand why we were actu-  
ating them in arriving at their decision.  
They strongly condemn us before  
receiving or even demanding an explana-  
tion. As briefly as possible, we will state  
some of the reasons, which are as fol-  
lows:

## Some of the Reasons.

First.—That there still existed an ob-  
ligation upon the Athletic Association to  
give Norfolk a holiday game, and a Caro-  
lina game, provided that game be played.  
This obligation has rested upon us since  
the building of the Lafayette Park. They  
believed that they had, in a measure,  
fulfilled such obligations to Richmond."

Second.—"That for three years we have  
declined to consider Norfolk's importun-  
ties for this game, with the promise that  
they would have future considerations."

Third.—"The Alumni Associations of  
Norfolk and adjacent cities and towns  
earnestly petitioned that we give them  
the game."

Fourth.—"That the following business  
organizations of Norfolk petitioned for  
the game: The Chamber of Commerce,  
the Real Estate and Dealers Stock Ex-  
change, the Retail Merchants' Association,  
the Board of Trade and Business  
Men's Association."

"These embrace a large majority of the  
business men of Norfolk, and some of  
these petitions pledged us their heavy  
co-operations."

Fifth.—"That in accepting the Norfolk  
proposal we were only laying the Athletic  
Association for a single year, and our  
successors would be free to act for them-  
selves, since Norfolk graciously relieved  
us of all past or present obligations in  
consideration of this game."

## Saw the Inconsistency.

Sixth.—"That while it was the earnest  
hope of this committee that a park might  
be built in Richmond by our friends, we  
could not but see the inconsistency of  
aiding one group of alumni for promising  
to do a thing and refusing to aid another  
who had accomplished the same thing."

Seventh.—"That for the past three  
years, but one Norfolk game, working  
under a disadvantage, has turned out  
our treasury, as many dollars as has  
Richmond, and gives good assurance that  
they will exceed Richmond; that our  
alumni there have always been active in  
regard to athletic interests, and have  
encouraged and constantly increased the  
attendance upon the University from that  
section. While this committee does not  
overlook the general welfare of the Uni-  
versity, its particular duties are those  
connected with the welfare of the  
Athletic Association, and aside from  
financial considerations they felt that the  
sentimental factors operating in favor  
of Richmond were fully offset by our  
obligations to Norfolk."

Eighth.—"Since this meeting, at which  
this question was discussed, was held,  
after due notice to our Richmond friends,  
it was naturally presumed that they  
would be successful in securing the game."